Comments on August 16, 2004 Notice by the Transportation Security Administration Regarding Enhancing Rail Transportation Security for Toxic Inhalation Hazard Materials
Docket Number RSPA-04-18730

Submitted By: GE Advanced Materials

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I. Introduction

On August 16, 2004, the Department of Transportation (DOT) and the Department of Homeland Security, solicited comments on the feasibility of initiating specific security enhancements for the rail transportation of hazardous materials that pose a toxic inhalation hazard (69 Fed. Reg. 50988).

The following comments are submitted by GE Advanced Materials (GEAM). GEAM is one of thirteen businesses within GE Company and is a world leader in providing materials solutions through engineering thermoplastics, silicon-based products and technology platforms, and fused quartz and ceramics.

While GEAM does not currently ship any toxic inhalation hazard materials (TIH) by rail we do manage TIH materials at one of our manufacturing sites.

II. Current Security Requirements

A. Security Plans

In response to rule HM-232 GEAM enhanced or developed and implemented security plans at each location where hazardous materials are offered for shipment. Security awareness training and in-depth security training is now provided for all GEAM hazmat employees. In addition, GEAM required hazardous materials transporters and freight forwarders with whom we do business to certify that they also had security plans in place to meet the requirement for en-route security. Hazardous materials shipments are restricted to those carriers who have certified they are implementing their security plans per the regulation.

GEAM thoroughly evaluated guidance materials provided by DOT and industry associations and found this information helpful in tailoring site-specific security plans. Ultimately, each of our sites developed its own security plan based on our GEAM corporate guidance . The plans were applicable to all hazardous material shipments from a site. General guidelines from DOT for security measures that would be normally considered applicable to TIH materials might be beneficial, as it would enable establishment of an industry norm. However, GEAM does not believe submission of security plans for government review and approval is appropriate as it could lead to a “one size fits all” approach, and could jeopardize sensitive business information. Additionally, if such plans are publicly available for review, they could, in fact, be accessed by the terrorist groups that we are trying to protect ourselves against.

B. Identification of Materials and Hazard Communication

GEAM does not believe removal of identifying marks from railcars is workable. Facility loading and unloading operations and emergency response teams rely heavily on these markings for hazard communication. The effect would be trading a high-frequency safety benefit for a low-frequency and questionable security benefit. Furthermore, the DOT would have to evaluate how removal or remarking might affect international shipments and the ability to harmonize regulations with the international community.

C. Temporary Storage of TIH Materials in Rail Tank Cars

GEAM believes DOT could help industry by establishing general security guidelines for en-route security. Rail carriers could consider the guidelines when evaluating security provisions on a site-by-site basis. The quantity of TIH materials stored and the location of the storage area relative to population centers and prevailing meteorological conditions would presumably factor heavily into security considerations for these storage areas. Prescriptive limitations therefore should not be broadly applied.

D. Tank Car Integrity

Rail tank cars are already designed to meet rigorous design and construction standards and must be inspected on a regular basis. These standards help to ensure rail car integrity in typical accident situations that have been well documented and studied. GEAM sees no value in attempting to harden rail cars to enable survival of terrorist attack as the nature of such attacks could vary widely and be adapted to exploit a weakness in the rail car configuration – even if the rail cars are “hardened”. This would be a non-productive use of energy, resources and money. Aside from providing limited additional security such actions undoubtedly would increase the cost of the rail cars and drive cost inflation in transportation.

E. Communication and Tracking

The idea of rail tank car tracking for TIH materials is an interesting concept and GEAM supports evaluation of this technology providing it can be perform cost-effectively and without a significant economic impact.